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6 Attorneys for Defendant
 7 WALMART, INC.

9 **UNITED STATES DISTRICT COURT**
 10 **DISTRICT OF NEVADA**

11 NICOLE SHABAZ, an individual;

12 Plaintiff,

13 vs.

14 WALMART INC., a Delaware Corporation;
 15 DOES I through V, inclusive; and ROE
 CORPORATIONS VI through X, inclusive;

16 **Defendants.**

Case No.: 2:23-cv-01050-JAD-BNW

**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE DISCOVERY
 DEADLINES**

[THIRD REQUEST]

17
 18 COMES NOW Defendant WALMART INC. (“Walmart” or “Defendants”), by and through
 19 their attorneys of record, Susan E. Gillespie, Esq., of the law firm Burger Meyer LLP, and Plaintiff
 20 NICOLE SHABAZ (“Plaintiff”), by and through her attorney of record, Joshua L. Benson Esq., of
 21 the law firm BENSON ALLRED INJURY LAW, (collectively with Defendant, “Parties”), and
 22 hereby submit the following Stipulation and [Proposed] Order to Extend Discovery Deadlines (Third
 23 Request) for this Honorable Court’s consideration (**proposed changes in bold**), seeking to extend
 24 the remaining deadlines in the current scheduling order for a period of ninety (90) days for the reasons
 25 explained herein.

26 Pursuant to Local Rule IA 6-1(a), the parties hereby aver that this is the third discovery
 27 extension requested in this matter.

28 **I. DISCOVERY COMPLETED**

- 1 • The parties have conducted a Rule 26(f) conference and served their respective Rule 26(a)(1)
- 2 disclosures.
- 3 • On August 8, 2023, Defendant served its First Set of Requests for Production and First Set of
- 4 Interrogatories via U.S. Mail.
- 5 • On August 8, 2023, Plaintiff served her First Supplemental FRCP 26(a) disclosures.
- 6 • On August 29, 2023, Plaintiff served her Second Supplemental FRCP 26(a) disclosures.
- 7 • On August 31, 2023, Plaintiff served her Third Supplemental FRCP 26(a) disclosures.
- 8 • On September 7, 2023, Plaintiff served her responses to First Set of Requests for Production
- 9 and First Set of Interrogatories via U.S. Mail.
- 10 • On September 7, 2023, Plaintiff served her Fourth Supplemental FRCP 26(a) disclosures.
- 11 • On October 11, 2023, Plaintiff's IME took place.
- 12 • On October 31, 2023, Plaintiff served her Fifth Supplemental FRCP 26(a) disclosures.
- 13 • On November 10, 2023, Plaintiff served her Sixth Supplemental FRCP 26(a) disclosures.
- 14 • On November 28, 2023, Plaintiff served her Seventh Supplemental FRCP 26(a) disclosures.
- 15 • On December 4, 2024, Defendant served their Second Supplemental FRCP 26(a) disclosures.
- 16 • On December 20, 2023, Plaintiff served her Eighth Supplemental FRCP 26(a) disclosures.
- 17 • On December 27, 2023, Plaintiff served her Ninth Supplemental FRCP 26(a) disclosures.
- 18 • On January 16, 2024, Plaintiff served her Tenth Supplemental FRCP 26(a) disclosures.
- 19 • On January 31, 2024, Plaintiff served her Eleventh Supplemental FRCP 26(a) disclosures.
- 20 • On January 31, 2024, Defendant served their Second Supplemental FRCP 26(a) disclosures.
- 21 • On January 31, 2024, Defendant and Plaintiff served their Initial Designation of Expert
- 22 Witnesses.
- 23 • On February 1, 2024, Plaintiff served her supplemental responses to First Set of Requests for
- 24 Production and First Set of Interrogatories via U.S. Mail.
- 25 • On February 6, 2024, Plaintiff served her Twelfth Supplemental FRCP 26(a) disclosures.
- 26 • On February 16, 2024, Plaintiff served her Thirteenth Supplemental FRCP 26(a) disclosures.
- 27 • On February 23, 2024, Plaintiff served her Fourteenth Supplemental FRCP 26(a) disclosures.
- 28 • On February 27, 2024, Defendant served their Fifth Supplemental FRCP 26(a) disclosures.

- On February 27, 2024, Plaintiff served her Fifteenth Supplemental FRCP 26(a) disclosures.
- On February 27, 2024, Defendant and Plaintiff served their Designation of Rebuttal Expert Witnesses.
- On March, 22, 2024, Plaintiff served her responses to Second Set of Requests for Production and Second Set of Interrogatories via U.S. Mail.
- On April 9, 2024, Plaintiff served her Sixteenth Supplemental FRCP 26(a) disclosures.
- On April 11, 2024, Plaintiff served her supplemental responses to Second Set of Requests for Production and Second Set of Interrogatories via U.S. Mail.
- On April 12, 2024, Plaintiff's Deposition was taken.
- On April 18, 2024, Walmart's 30(b)(6) Deposition was taken.

II. REMAINING DISCOVERY

- Depositions of Plaintiff's and Defendant's retained expert witnesses.
- Additional written discovery as needed at this action proceeds.

III. REASON FOR REQUESTING ADDITIONAL TIME TO COMPLETE DISCOVERY

The Parties aver that good cause exists under Local Rule 26-3 for the requested extension being made at this time. The Parties have been diligently working to complete discovery in this matter. The Parties have: (1) engaged in written discovery; (2) disclosed and supplemented their FRCP disclosures and expert designations; (3) Plaintiff's IME has taken place; (4) Walmart's 30(b)(6) Deposition has taken place; (5) Plaintiff's Deposition has taken place. However, both parties are actively working to schedule the depositions of disclosed expert witnesses some of which are unavailable in the current discovery period. The Parties have also been in discussions regarding setting a private mediation. The Parties' work regarding discovery is active and ongoing. The Parties have acted in good faith to request this extension and neither one has reason or intent to delay these proceedings or jury trial in this matter.

IV. PRIOR DISCOVERY DEADLINES

According to the Court's Order Granting Stipulation and Order to Continue Discovery Deadlines [ECF No. 13], the existing deadlines are:

Amend Pleadings/Add Parties:	Expired
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1	Initial Expert Disclosures:	Expired
2	Rebuttal Expert Reports:	Expired
3	Close of Discovery:	June 25, 2024
4	Dispositive Motions:	July 25, 2024
5	Joint Pre-Trial Order:	August 22, 2024, or 30 days following
6	the resolution of any outstanding dispositive motions.	

7 **V. PROPOSED DISCOVERY DEADLINES**

8	Amend Pleadings/Add Parties:	Expired
9	Initial Expert Disclosures:	Expired
10	Rebuttal Expert Reports:	Expired
11	Close of Discovery:	September 25, 2024
12	Dispositive Motions:	October 25, 2024
13	Joint Pre-Trial Order:	November 25, 2024, or 30 days
14	following the resolution of any outstanding dispositive motions.	

15 If the extension is granted, all anticipated additional discovery should be concluded within
 16 the stipulated extended deadline. The parties aver that this request for extension of discovery
 17 deadlines is made by the parties in good faith and not for the purpose of delay.

18 Dated: May 17, 2024

BENSON ALLRED INJURY LAW

19 /s/ Joshua L. Benson

20 Joshua L. Benson, Esq.
 21 Attorneys for Plaintiff
 NICOLE SHABAZ

BURGER, MEYER & D'ANGELO, LLP

22 /s/ Susan E. Gillespie

23 Tabettha A. Martinez, Esq.
 24 Susan E. Gillespie, Esq.
 25 Attorneys for Defendant
 WALMART INC.

26 **IT IS SO ORDERED** this 20th day of May, 2024.

27 
 28 UNITED STATES MAGISTRATE JUDGE